

Dick Harris  
Law Office of Dick Harris, P.C.  
100 Chestnut Street, Suite 103  
Abilene, TX 79602  
Telephone (325) 677-3311  
Telecopy (325) 677-3314  
Email: lawfirm@dharrislawfirm.com  
State Bar No. 09056200

Attorney for Borden County Waste Disposal, Ltd.

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**IN RE:** §  
§  
**WILDCATTER DISPOSAL, LLC** § **CASE NO. 20-32455-HDH-11**  
§  
§  
**DEBTOR** §

**RESPONSE AND OBJECTION TO DEBTOR'S  
EMERGENCY MOTION TO DETERMINE ESTATE  
PROPERTY AND CONFIRM AUTOMATIC STAY**

TO THE HONORABLE UNITED STATES BANKRUPTCY COURT:

NOW COMES Borden County Waste Disposal, Ltd. (“BC Waste”), a creditor and party in interest and Respondent herein, and files this Response and Objection to Debtor’s Emergency Motion to Determine Estate Property and Confirm Automatic Stay (the “Motion”), and in support thereof would respectfully show the Court as follows:

1. BC Waste admits the allegations of Paragraphs 1 and 2 of the Motion.
2. BC Waste has insufficient information to be able to admit or deny the allegations of Paragraph 3 of the Motion.

3. To the extent BC Waste has information, it admits the allegations of Paragraphs 4, 5, and 6 of the Motion.

4. BC Waste admits the allegations of Paragraph 7 of the Motion that it entered into a Lease and Purchase Agreement with the Debtor but denies the validity of Debtor's interpretation of the terms of that Agreement.

5. BC Waste admits the allegations of Paragraphs 8 and 9 of the Motion.

6. BC Waste has no information concerning the dealings between the Debtor and Barbwire Oil & Gas, LLC and is therefore unable to admit or deny the allegations of Paragraphs 10, 11, 12, 13, 14, and 15 of the Motion.

7. BC Waste admits the allegations of Paragraph 16 of the Motion but denies that the Termination Letter was in any way improper or in violation of an agreement.

8. BC Waste is unable to admit or deny the allegations of Paragraph 17 of the Motion.

9. BC Waste denies the allegations of Paragraph 18 of the Motion.

10. BC Waste is unable to admit or deny the allegations of Paragraphs 19, 20, and 21 of the Motion.

11. BC Waste admits the allegations of Paragraph 22 of the Motion insofar as it recites portions of the Bankruptcy Code.

12. BC Waste denies the allegations of Paragraphs 23, 24, 25, 26, 27, and 28 of the Motion insofar as Debtor contends that they are not in default under the Lease and Purchase Agreement and amendments, or that any such Agreement has not terminated prior to the filing of the Petition herein.

13. BC Waste would further show the Court that the Debtor's defaults under the Lease and Purchase Agreement which lead to the termination of that Agreement consisted of monetary defaults in the total sum of \$425,000.00 as of this date, failure to keep the property insured as required by the Lease and Purchase Agreement, revocation of authority to operate by the Texas Railroad Commission, and failure to close the sale by February 27, 2020.

14. BC Waste would also show the Court that, upon information and belief, the Debtor's right to do business in the State of Texas has been forfeited by the Texas Comptroller.

15. BC Waste objects to the Motion and the relief requested therein and would show that the leasehold estate held by the Debtor had terminated prior to the Petition Date and that the Debtor has not cured the defaults which lead to such termination, and is not able to timely cure such defaults.

16. The undersigned attorney for BC Waste was not contacted about this matter or made aware of the Emergency Hearing in this case until the afternoon of September 29, 2020 and BC Waste reserves the right to amend or supplement this Objection if counsel becomes aware of additional information.

WHEREFORE, PREMISES CONSIDERED, Borden County Waste Disposal, Ltd. prays the Court to deny all relief requested by Wildcatter Disposal, LLC, Debtor, in the Debtor's Emergency Motion to Determine Estate Property and Confirm Automatic Stay, and for such other and further relief, at law or in equity, to which Borden County Waste Disposal, Ltd. may show itself to be justly entitled.

Respectfully submitted,

LAW OFFICE OF DICK HARRIS, P.C.  
100 CHESTNUT STREET, SUITE 103  
ABILENE, TEXAS 79602  
TELEPHONE (325) 677-3311  
TELECOPY (325) 677-3314  
EMAIL: lawfirm@dharrislawfirm.com

By: /s/ Dick Harris

DICK HARRIS  
State Bar No. 09056200  
Attorney for Borden County Waste  
Disposal, Ltd.

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the above and foregoing Response and Objection to Debtor's Motion to Determine Estate Property and Confirm Automatic Stay was sent by ECF and/or First Class Mail, postage prepaid, to Megan F. Clontz, attorney for Debtor, Pronske & Kathman, P.C., 2701 Dallas Parkway, Suite 590, Plano, TX 75093, U.S. Trustee, 1100 Commerce Street, #976, Dallas, TX 75242, and all parties requesting notice on this the 30<sup>th</sup> day of September, 2020.

/s/ Dick Harris  
DICK HARRIS

*C:\Data\Share\WP-DIRS\Borden County\objection.wpd/*